

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

956 CIVIL APPLICATION NO.4955 OF 2023
IN FA/2789/2019

JANABAI SHAMRAO PAWAR
VERSUS
THE MANAGER, THE NEW INDIA ASSURANCE COMPANY LTD.,
ADILABAD AND ORS

...
Advocate for Applicant : Mr. Kiran M. Nagarkar
Advocate for respondent nos. 1 and 2 : Mr. M. R. Deshmukh
...

CORAM : SANDIPKUMAR C. MORE, J.
DATE : 12TH APRIL, 2023

PER COURT :

1. Heard rival submissions.
2. The applicant is seeking withdrawal of the entire balance amount of compensation along with the interest accrued thereon, which has been deposited by the respondent - Insurance Company.
3. The learned Counsel for the Insurance Company strongly opposed the application on the ground that the driver of offending vehicle was not having valid driving licence. Moreover, this Court had already allowed withdrawal of Rs. 1,50,000/- to the applicant vide order dated 08.07.2013. However, the aforesaid withdrawal was

granted long back and since the appellant being the old lady, who lost her son in the accident, is in need of money. Therefore, considering the grounds of appeal, the applicant at this stage is permitted to withdraw further amount of Rs. 2,00,000/- (without interest) on filing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

4. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

5. The civil application is accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE

SG Punde